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**WESTERN MINING ACTION PROJECT**

ENVIRONMENTAL PROTECTION

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August 5, 2005

John Walker, Executive Secretary  
State Environmental Commission  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249

John Walker, Executive Secretary  
State Environmental Commission  
333 West Nye Lane, Room 138  
Carson City, NV 89706-0851

**Re: Appeal of Water Pollution Control Permit NEV0087001, Big Springs Mine**

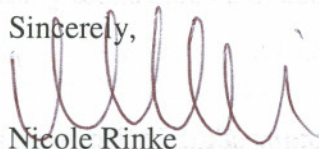
Dear Mr. Walker:

Enclosed with this letter, please find one copy of Form 3 requesting an appeal hearing before the Nevada State Environmental Commission for Great Basin Mine Watch's (GBMW's) appeal of the renewal of Water Pollution Control Permit NEV0087001 for closure of the Big Springs Mine owned and operated by AngloGold Ashanti (Nevada) Corporation. NDEP issued the permit renewal on July 26, 2005, to become effective on August 15, 2005.

In addition to its request for an appeal hearing, GBMW hereby also requests, pursuant to NAC 445B.8925, that the Commission order briefs to be filed prior to the hearing.

Please contact me to establish a briefing/hearing schedule and/or if you have any questions regarding GBMW's requests.

Sincerely,

  
Nicole Rinke  
Attorney for GBMW

**FORM # 3**  
**FORM FOR REQUESTING AN APPEAL HEARING**  
**BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION**

1. Name, address, telephone number, and signature of applicant:

Name: Great Basin Mine Watch (GBMW)

Address: 505 S. Arlington Ave., Suite 110 Reno, NV 89509

Telephone: (775) 348-1986

Signature: 

Representative Capacity (if applicable): Attorney for GBMW

2. Specify type of applicant: Individual, Partnership, Corporation, or Other: corporation

3. Other person or persons authorized to receive service of notice: Elyssa Rosen

4. Complete description of the business or activity and the location of the activity involved in the request: The Big Springs Mine is a post-closure open-pit cyanide heap leach mine (including mill processing facilities) located in the Independence Range approximately 60 miles north of Elko, in Elko County, along the North Fork of the Humboldt River (NFHR). The Nevada Division of Environmental Protection (NDEP)'s Bureau of Mining Regulation and Reclamation issued a renewal of Water Pollution Control Permit NEV0087001 to AngloGold Ashanti (Nevada) Corporation, owner and operator of the Big Springs Mine on July 26, 2005. The Permit authorizes AngloGold to close the Big Springs Mine in accordance with limitations, requirements, and other conditions set forth in the permit.

5. Nature of the appeal and grounds thereof: This is an appeal, pursuant to NRS 445A.605, of NDEP's renewal of permit NEV0087001. This appeal challenges NDEP's renewal of the permit because it provides for improperly permitted discharges into the NFHR and its tributaries. NDEP has failed to properly regulate all discharges at the site. NDEP has not issued a proper discharge permit for the mine and/or related point sources as required by the federal Clean Water Act and Nevada's Water Pollution Control Law and has failed to comply with state water quality standards and prescribed beneficial uses. The discharges are causing elevated levels of various constituents in the NFHR and its tributaries, including but not limited to total dissolved solids (TDS), selenium, and manganese. The elevated levels are harming Lahontan Cutthroat Trout, a listed threatened species, present in the basin in violation of Nevada and federal law. The NFHR and its tributaries are listed on the State's 303(d) list of impaired waters for at a minimum TDS and selenium. Release of these constituents into the NFHR and its tributaries, without the required Total Maximum Daily Load and without assurance that the streams will achieve water quality standards at all times, violates the federal Clean Water Act and the Nevada Water Pollution Control Law. In addition, in issuing the permit NDEP unduly delayed the permit renewal in violation of its own regulations.



6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal: Nevada Water Pollution Control Law NRS 445A.300 et seq., including but not limited to NRS 445A.445, 465, 490, 500, 525, 530, and its implementing regulations, NAC 445A.110 et. seq., including but not limited to NAC 445A.110, 124 144, 145, 228, 243, 408, 424, 429; Federal Water Pollution Control Law (commonly referred to as the Clean Water Act) 33 U.S.C. §§ 1251 et. seq., including but not limited to §§ 1313 and 1342, and its implementing regulations, 40 CFR Parts 1-29, 100-149, 400-471, including but not limited to, parts 122, 123, 124, and 401; the State law for the Protection and Propagation of Native Fauna, NRS 503.584-589, including but not limited to NRS 503.585, and its implementing regulations, NAC 503.0001 et. seq., including but not limited to NAC 503.060, 070, 093; the federal Endangered Species Act, 16 U.S.C. §§ 521-1544, including but not limited to §1538, and its implementing regulations, 50 C.F.R. Part 17.1-17.108, including but not limited to parts 17.11, 17.31, and 17.44.
7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record: not more than 8 hours

Date of Request: August 5, 2005

Send Form To: John Walker, State Environmental Commission, 333 West Nye Lane, Room 138  
Carson City, Nevada 89706-0851